

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 3:09-CR-67
(Judge Bailey)

ERWIN BERNARD REDDING,
a/k/a "EASY",

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION FOR ORDER DIRECTING
DISCLOSURE OF DOCUMENTS UNDER THE CJA**

On this day, the above-styled criminal action came before this Court upon consideration of Defendant's Motion for Order Directing Disclosure of Documents Under the CJA [Docs. 126 & 142], filed on May 5, 2011, and July 25, 2011, respectively. The Court notes the two motions are identical. In support of his motions, defendant Redding requests copies of documents to enable him to pursue further review of his case. Specifically, the defendant seeks documents to prepare his materials in order to file a petition for *certiorari* with the United States Supreme Court. The Fourth Circuit Court of Appeals affirmed this Court's conviction and sentence after a jury trial on two counts of distribution of cocaine base [Doc. 121]. The Fourth Circuit stated that this Court correctly found the verdict was supported by "substantial evidence." ***United States v. Smith***, 451 F.3d 209, 216 (4th Cir. 2006).

In its Notice of Judgment filed on April 5, 2011 [Doc. 122], the Fourth Circuit Court of Appeals attached the standard time period in which a petitioner may lodge his petition

for *certiorari* in the United States Supreme Court, which provides the same must be filed within ninety (90) days of the Court's entry of judgment; however, it notes that if a petition for panel or *en banc* rehearing is timely filed, this 90-day time period runs from the denial of that petition. In this case, defendant Redding's petition for rehearing was denied on May 18, 2011 [Doc. 130]. Accordingly, the 90-day period within which to file for *certiorari* does not run until approximately August 18, 2011.

Upon careful consideration of the above, it is the opinion of this Court that the Defendant's Motion for Order Directing Disclosure of Documents Under the CJA [Docs. 126 & 142] should be, and the same is, hereby **GRANTED**. Accordingly, this Court **ORDERS**:

1. That the Clerk of Court is **DIRECTED** to mail the petitioner a copy of the Judgment and Commitment Order [Doc. 107];
2. That petitioner be provided a copy of the July 28, 2010, Sentencing Transcript [Doc. 111]¹; and
3. That the Clerk provide a copy of the Pre-Sentence Investigation Report to the Warden of USP Canaan for petitioner's use.

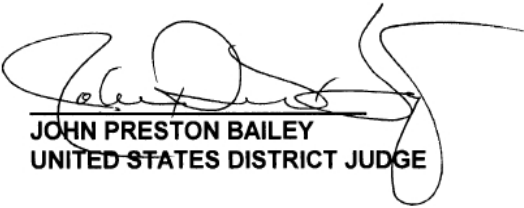
This Court notes that it does not have in its possession the appellate briefs for the Fourth Circuit Court of Appeals case number 10-4147. Petitioner may request those documents from prior counsel or from the Clerk of the Fourth Circuit Court of Appeals.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

¹ It appears from the docket that Mr. Redding has previously purchased a copy of the sentencing transcript. See Doc. 110.

DATED: August 17, 2011.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE